

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHAWN MCSWAIN,

Plaintiff,

v.

UNKNOWN HEINEMANN, et al.,

Defendants.

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Case No. 1:21-cv-317

Hon. Hala Y. Jarbou

**ORDER**

On December 29, 2021, Magistrate Judge Ray Kent issued a Report and Recommendation (R&R) recommending that Defendants Kathleen Heinemann and Warden Bryan Morrison's motion for summary judgment (ECF No. 63) be granted and that this action be terminated. (ECF No. 70.) The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on February 17, 2022.<sup>1</sup> On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

**IT IS ORDERED** that the R&R (ECF No. 70) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Heinemann and Warden Morrison's motion for summary judgment (ECF No. 63) is **GRANTED**.

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<sup>1</sup> After Plaintiff requested additional time to respond to the R&R, the Court gave him until February 17, 2022, to file objections. He did not meet the extended deadline.

**IT IS FURTHER ORDERED** that the Court **CERTIFIES** that an appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

A judgment will issue in accordance with this order.

Date: February 18, 2022

/s/ Hala Y. Jarbou  
HALA Y. JARBOU  
UNITED STATES DISTRICT JUDGE